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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of

:

Daiju YUKI et al.

:

Attorney Docket No. 2006\_1393A

Serial No. 10/590,735

:

Filed August 25, 2006

:

**Mail Stop: PCT**

METHOD AND AGENT FOR  
CONTROLLING PLANT DISEASE USING  
BACTERIA OF GENUS BACILLUS  
[Corresponding to PCT/JP2005/003094  
Filed February 18, 2005]

THE COMMISSIONER IS AUTHORIZED  
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FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- ☒ each U.S. Patent and U.S. Patent application publication;
- ☐ each reference previously cited in the international application  
PCT/\_\_\_\_\_; and/or
- ☐ each reference previously cited in prior parent application Serial No.  
\_\_\_\_\_.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, **or**

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

**and thus no certification and/or fee is required.**

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and**

**the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.
4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☒ a full or partial English language translation submitted herewith,
  - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
  - c. ☒ the concise explanation contained in the specification of the present application at page 2,
  - d. ☒ the concise explanation set forth in the attached English language abstract,
  - e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.
6. ☐ Statement Under 37 CFR 1.704(d)

Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart application, and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

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## INFORMATION DISCLOSURE STATEMENT

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)  
(Use several sheets if necessary)

Date Submitted to PTO: December 4, 2006

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10/590,735APPLICANT  
Daiju YUKI et al.FILING DATE  
August 25, 2006

GROUP

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,344,647	09/1994	Rossall			
AB	5,061,495	10/1991	Rossall			
AC	5,935,571	08/1999	Aino et al.			
AD						
AE						
AF						

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
AG	08-175919	07/1996	JP			Abstract
AH	2002-145712	05/2002	JP			Abstract
AI	09-124427	05/1997	JP			Abstract
AJ	11-302120	11/1999	JP			Abstract
AK	07-267811	10/1995	JP			Abstract
AL						
AM						
AN						

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

AO	Phae et al., Chae Gun, <u>Biological Control of Crown and Root Rot and Bacterial Wilt of Tomato by <i>Bacillus subtilis</i> NB22</u> . Ann. Phytopath. Soc. Japan 58: 329-339 (1992).
AP	Yamada, Masao, <u>Biseibutsu nouyaku- kankyou hozenkata nougyou wo mezasite (Microbial pesticides- in pursuit of environmental conservation agriculture)</u> , Zenkoku nouson kyouiku kyokai, p. 328 (2000) (with partial English translation).
AQ	Iwata et al., Shunichi (ed.), <u>Shokubutsu boueki kouza-byougai-hen (Plant protection course- disease volume)</u> , Japan Plant Protection Association, p. 281 (1983) (with partial English translation).

EXAMINER

DATE CONSIDERED